10:31 A.M.

Chapter No. <u>481</u> 19/SS02/R1216SG AR ITBILR

SENATE BILL NO. 2541



Secretary

SENATE BILL NO. 2541

AN ACT TO PROVIDE FOR CERTAIN TRANSFERS TO THE CAPITAL EXPENSE FUND DURING FISCAL YEAR 2019; TO PROVIDE FOR CERTAIN TRANSFERS FROM THE CAPITAL EXPENSE FUND TO THE 2018 TRANSPORTATION AND INFRASTRUCTURE IMPROVEMENTS FUND; TO AMEND SECTION 43-13-407, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE HEALTH CARE EXPENDABLE FUND; TO AUTHORIZE THE ESCALATION OF FUNDS FOR THE VARIABLE COMPENSATION PLAN OR PAY INCREASES FOR SPECIFIED AGENCIES; TO AMEND SECTIONS 2 AND 3, Chapter 57, LAWS OF 2018, WHICH PROVIDES FOR THE PAYMENT OF DEBT; TO AMEND SECTION 3, CHAPTER 99, LAWS OF 2018, WHICH TRANSFERS CERTAIN AMOUNTS IN THE FISCAL YEAR 2018 APPROPRIATION TO THE DEPARTMENT OF PUBLIC SAFETY AMONG VARIOUS CATEGORIES; AND TO TRANSFER FUNDS TO THE MISSISSIPPI FORESTRY COMMISSION OPERATING FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. During fiscal year 2019, the State Fiscal Officer shall transfer from the General Fund (Fund No. 2999000000)

Seventeen Million Six Hundred Fifty-eight Thousand Three Hundred Thirty-six Dollars (\$17,658,336.00) to the Capital Expense Fund (Fund No. 6499C00000).

SECTION 2. During Fiscal Year 2020, the State Fiscal Officer shall transfer from the Capital Expense Fund (Fund No. 6499C00000) Seventeen Million Dollars (\$17,000,000.00) to the 2018

Transportation and Infrastructure Improvements Fund (Fund No. 3316000000).

SECTION 3. Section 43-13-407, Mississippi Code of 1972, is amended as follows:

43-13-407. (1) In accordance with the purposes of this article, there is established in the State Treasury the Health Care Expendable Fund, into which shall be transferred from the Health Care Trust Fund the following sums:

- (a) In fiscal year 2005, Four Hundred Fifty-six Million Dollars (\$456,000,000.00);
- (b) In fiscal year 2006, One Hundred Eighty-six Million Dollars (\$186,000,000.00);
- (c) In fiscal year 2007, One Hundred Eighty-six Million Dollars (\$186,000,000.00);
- (d) In fiscal year 2008, One Hundred Six Million Dollars (\$106,000,000.00);
- (e) In fiscal year 2009, Ninety-two Million Two Hundred Fifty Thousand Dollars (\$92,250,000.00);
- year in which none of the amount of the annual tobacco settlement installment payment will be deposited into the Health Care Expendable Fund as provided in subsection (3)(d) of this section, and in each fiscal year thereafter, a sum equal to the average annual amount of the dividends, interest and other income, including increases in value of the principal, earned on the funds

in the Health Care Trust Fund during the preceding four (4) fiscal years.

- (2) In any fiscal year in which interest, dividends and other income from the investment of the funds in the Health Care Trust Fund are not sufficient to fund the full amount of the annual transfer into the Health Care Expendable Fund as required in subsection (1)(f) of this section, the State Treasurer shall transfer from tobacco settlement installment payments an amount that is sufficient to fully fund the amount of the annual transfer.
- (3) Beginning with calendar year 2009, at the time that the State of Mississippi receives the tobacco settlement installment payment for each calendar year, the State Treasurer shall deposit the following amounts of each of those installment payments into the Health Care Expendable Fund:
- (a) In calendar years 2009 and 2010, the total amount of the installment payment;
- (b) In calendar year 2011, the amount of the installment payment less Ten Million Dollars (\$10,000,000.00);
- (c) In calendar years 2012, 2013 and 2014, the total amount of the installment payment;
- (d) In calendar year 2015, and each calendar year thereafter, the total amount of the installment payment.
- (4) (a) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care

Expendable Fund, the sum of One Hundred Twelve Million Dollars (\$112,000,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund in fiscal year 2011.

- (b) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Fifty-six Million Two Hundred Sixty-three Thousand Four Hundred Thirty-eight Dollars (\$56,263,438.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2012.
- (c) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Ninety-seven Million Four Hundred Fifty Thousand Three Hundred Thirty-two Dollars (\$97,450,332.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2013.
- (d) In addition to any other sums required to be transferred from the Health Care Trust Fund to the Health Care Expendable Fund, the sum of Twenty-three Million One Hundred Thousand Dollars (\$23,100,000.00) shall be transferred from the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2014.
- (e) The State Fiscal Officer shall transfer the entire balance in the Health Care Trust Fund to the Health Care Expendable Fund during fiscal year 2015.

- (5) If Medicaid expenditures are projected to exceed the amount of funds appropriated to the Division of Medicaid in any fiscal year in excess of the expenditure reductions to providers, funds shall be transferred by the State Fiscal Officer from the Health Care Trust Fund into the Health Care Expendable Fund and then to the Governor's Office, Division of Medicaid, in the amount and at such time as requested by the Governor to reconcile the deficit.
- (6) All income from the investment of the funds in the Health Care Expendable Fund shall be credited to the account of the Health Care Expendable Fund. Any funds in the Health Care Expendable Fund at the end of a fiscal year shall not lapse into the State General Fund. Any funds appropriated from the Health Care Expendable Fund that are unexpended at the end of a fiscal year shall lapse into the Health Care Expendable Fund.
- (7) The funds in the Health Care Expendable Fund shall be available for expenditure under specific appropriation by the Legislature beginning in fiscal year 2000, and shall be expended exclusively for health care purposes.
- (8) The provisions of subsection (1) of this section may not be changed in any manner except upon amendment to that subsection by a bill enacted by the Legislature with a vote of not less than three-fifths (3/5) of the members of each house present and voting.

- Executive Director of the Department of Finance and

 Administration, determines that there is a need to borrow funds to

 offset any temporary cash-flow deficiencies in the Health Care

 Expendable Fund created in this section, the Treasurer may borrow

 those funds from any state-source special funds in the State

 Treasury in amounts that can be repaid from the Health Care

 Expendable Fund during the fiscal year in which the funds are

 borrowed. The State Treasurer shall immediately notify the

 Legislative Budget Office and the Department of Finance and

 Administration of each transfer into and out of the Health Care

 Expendable Fund.
- (10) No later than September 30, 2011, the State Treasurer shall transfer from the Health Care Expendable Fund to the Health Care Trust Fund an amount equivalent to the unencumbered ending cash balance of the Health Care Expendable Fund as of June 30, 2011, less Three Million Eight Hundred Forty Thousand Dollars (\$3,840,000.00).
- (11) Subsections (1), (2), (3), (5), (6) and (7) of this section shall stand repealed on July 1, * * * $\frac{2022}{}$.
- SECTION 4. (1) It is the intent of the Legislature that the agencies listed in subsection (2) of this section shall have the authority to expend funds from any source that may become available to the agency in fiscal year 2020 in accordance with the rules and regulations of the Department of Finance and

Administration in a manner consistent with the escalation of federal funds for the purpose of funding a pay increase, salary realignment and/or funding an adjustment to the Variable Compensation Plan to ensure that all full-time employees receive up to a three percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

(2) Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. The agencies listed are authorized to escalate other special funds for the limited purpose provided in this section in an amount not to exceed the following:

AGENCY	AMOUNT
Architecture and Landscape, Board of	\$ 1,263.00
Barber Examiners, Board of	\$ 2,643.00
Cosmetology, Board of	\$ 8,635.00
Engineers & Land Surveyors, Board of Prof.	\$ 5,893.00
Gulfport, State Port Authority at	\$ 97,373.00
Motor Vehicle Commission	\$ 2,600.00
Nursing Home Administrators, Board of	\$ 1,179.00
Nursing, Board of	\$ 34,473.00
Pat Harrison Waterway District	\$ 34,759.00
Pearl River Valley Water Mgmt. District	\$111,784.00

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Pharmacy, Board of	\$ 48,474.00
Physical Therapy, Board of	\$ 2,492.00
Public Accountancy, Board of	\$ 19,495.00
Public Contractors, Board of	\$ 19,187.00
Real Estate Appr. Licensing & Cert. Board of	\$ 5,385.00
Real Estate Commission	\$ 17,104.00
Social Workers Marriage/Family Therapists,	
Board of Examiners for	\$ 1,913.00
Tombigbee River Valley Mgmt. Board	\$ 20,611.00
Veteran's Home Purchase Board	\$ 24,436.00
Yellow Creek State Inland Port	\$ 18,602.00

SECTION 5. Sections 2 and 3, Chapter 57, Laws of 2018, are amended as follows:

Section 3. The following sum, or so much thereof as may be necessary, is hereby authorized to expend any money in the State Treasury which is comprised of special source funds and interest earnings on bond proceeds for the purpose of paying maturing bonds

and interest on the revenue bonds of the State of Mississippi		
falling due during Fiscal Year 2019		
\$ * * * <u>18,849,975.00</u> .		
SECTION 6. Section 3, Chapter 99, Laws of 2018, are amended		
as follows:		
Section 3. Of the funds appropriated under the provisions of		
Sections 1 and 2, not more than the amounts set forth below shall		
be expended for the respective major objects or purposes of		
expenditure and authorized positions:		
DIVISION OF MISSISSIPPI HIGHWAY SAFETY PATROL		
DIVISION OF MISSISSIFFI HIGHWAY SAIDIT THINGS		
MAJOR OBJECTS OF EXPENDITURE:		
Personal Services:		
Salaries, Wages and Fringe Benefits		
\$ * * * <u>65,227,893.00</u>		
Travel and Subsistence * * * 485,968.00		
Contractual Services * * * 22,205,541.00		
Commodities * * * 6,320,474.00		
Capital Outlay:		
Other Than Equipment 0.00		
Equipment * * * * 1,872,371.00		
Vehicles 5,352,733.00		
Wireless Communication Devices		

* * *

Subsidies, Loans and Grants..... 2,572,309.00

Total \$ 104,092,989.00

55,700.00

FUNDING:		
General Funds.	\$	59,944,688.00
Special Funds .	***************************************	44,148,301.00
Total	\$	104,092,989.00
AUTHORIZED POSITI	ONS:	
Permanent:	Full Time 1,11	5
	Part Time	0
Time-Limited:	Full Time 2	2
	Part Time	3
DIVISION	OF LAW ENFORCEMENT TRAINING A	CADEMY
MAJOR OBJECTS OF	EXPENDITURE:	
Personal Servi	.ces:	
Salaries,	Wages and Fringe Benefits \$	694,183.00
Travel ar	nd Subsistence	0.00
Contractual Se	ervices	545,000.00
Commodities		310,856.00
Capital Outlay	7:	
Other Tha	an Equipment	0.00
Equipment		82,840.00
Vehicles		0.00
Wireless	Communication Devices	0.00
Subsidies, Loa	ans and Grants	370,970.00
Total		2,003,849.00
FUNDING:		
General Funds		288,473.00

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Special Funds.			1,715,376.00
Total		\$	2,003,849.00
AUTHORIZED POSITI	ONS:		
Permanent:	Full Time	16	
	Part Time	0	
Time-Limited:	Full Time	0	
	Part Time	0	
	DIVISION OF SUPPORT SERVI	CES	
MAJOR OBJECTS OF	EXPENDITURE:		
Personal Servi	.ces:		
Salaries,	Wages and Fringe Benefit	s\$	2,814,993.00
Travel an	nd Subsistence	* * *	18,326.00
Contractual Se	ervices		4,681,610.00
Commodities		* * *	107,199.00
Capital Outlay	<i>7</i> :		
Other Tha	an Equipment		0.00
Equipment			56,517.00
Vehicles			0.00
Wireless	Communication Devices		0.00
Subsidies, Loa	ans and Grants	* * *	1,457,273.00
Total		\$	9,135,918.00
FUNDING:			
General Funds		\$	4,194,649.00
Special Funds			4,941,269.00
Total		\$	9,135,918.00

AUTHORIZED POSITI	ONS:		
Permanent:	Full Time	60	
	Part Time	0	
Time-Limited:	Full Time	1	
	Part Time	0	
D	IVISION OF CRIME LABORATO	RIES	
MAJOR OBJECTS OF	EXPENDITURE:		
Personal Servi	ces:		
Salaries,	Wages and Fringe Benefit	s\$	6,710,739.00
Travel an	nd Subsistence	* * *	65,000.00
Contractual Se	ervices	* * *	1,719,167.00
Commodities		* * *	799,160.00
Capital Outlay	7:		
Other Tha	an Equipment		0.00
Equipment			362,790.00
Vehicles			0.00
Wireless	Communication Devices		1,000.00
Subsidies, Loa	ans and Grants	* * *	10,000.00
Total		\$	9,667,856.00
FUNDING:			
General Funds		\$	6,863,885.00
Special Funds			2,803,971.00
Total		\$	9,667,856.00
AUTHORIZED POSITI	IONS:		
Permanent:	Full Time	88	

	Part Time	0	
Time-Limited:	Full Time	14	
	Part Time	0	
I	DIVISION OF MEDICAL EXAMIN	1ER	
MAJOR OBJECTS OF I	EXPENDITURE:		
Personal Service	ces:		
Salaries,	Wages and Fringe Benefits	s \$	1,985,386.00
Travel and	d Subsistence	* * *	15,000.00
Contractual Se	rvices		1,106,237.00
Commodities			206,264.00
Capital Outlay	:		
Other Than	n Equipment		0.00
Equipment			154,389.00
Vehicles.			0.00
Wireless	Communication Devices	***	1,000.00
Subsidies, Loa	ns and Grants	* * *	15,000.00
Total	***************************************	\$	3,483,276.00
FUNDING:			
General Funds.		\$	1,201,272.00
Special Funds.			2,282,004.00
Total		\$	3,483,276.00
AUTHORIZED POSITI	ONS:		
Permanent:	Full Time	12	
	Part Time	0	
Time-Limited:	Full Time	0	

DIVISION OF PUBLIC SAFETY PLANNING OFFICE OF PUBLIC SAFETY PLANNING MAJOR OBJECTS OF EXPENDITURE: Personal Services: Salaries, Wages and Fringe Benefits..... 1,582,422.00 132,912.00 Travel and Subsistence 932,263.00 Contractual Services 138,795.00 Commodities Capital Outlay: 0.00 Other Than Equipment 0.00 Equipment 0.00 0.00 Wireless Communication Devices Subsidies, Loans and Grants..... * * * 23,853,824.00 26,640,216.00 Total \$ FUNDING: General Funds \$ 232,843.00 Special Funds 26,407,373.00 Total\$ 26,640,216.00 AUTHORIZED POSITIONS: Permanent: Full Time 5 Part Time 0

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Time-Limited: Full Time

Part Time

Part Time 0

DIVISION OF PUBLIC SAFETY PLANNING

OFFICE OF LAW ENFORCEMENT STANDARDS AND TRAINING

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries,	Wages and Fringe Benefits	\$ 310,135.00
Travel and	d Subsistence	4,500.00
Contractual Ser	rvices	114,560.00
Commodities		10,020.00
Capital Outlay	:	
Other Than	n Equipment	0.00
Equipment		3,000.00
Vehicles.		0.00
Wireless	Communication Devices	0.00
Subsidies, Loa	ns and Grants	1,864,078.00
Total	***********	\$ 2,306,293.00
FUNDING:		
General Funds.		\$ 2,306,293.00
Special Funds.	***************************************	0.00
Total	******	\$ 2,306,293.00
AUTHORIZED POSITI	ONS:	
Permanent:	Full Time	6
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

DIVISION OF PUBLIC SAFETY PLANNING BOARD OF EMERGENCY TELECOMMUNICATIONS

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries.	Wages and	Fringe Benef	its\$	152,752.00
		ce		2,500.00
				40,000.00
Contractual Ser	rvices			
Commodities		******	0 * 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5,650.00
Capital Outlay				
Other Than	n Equipment			0.00
Equipment				0.00
Vehicles.				0.00
Wireless	Communicati	on Devices.		0.00
Subsidies, Loa:	ns and Gran	nts		563,830.00
Total			\$	764,732.00
FUNDING:				
General Funds.			\$	0.00
Special Funds.	*******			764,732.00
Total			\$	764,732.00
AUTHORIZED POSITI	ONS:			
Permanent:	Full Time		3	
	Part Time		0	
Time-Limited:	Full Time		0	
	Part Time	*****	0	
DIV	ISION OF P	JBLIC SAFETY	PLANNING	

COUNCIL ON AGING

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries, Wages and Fringe Benefits			
\$ * * *	116,277.00		
Travel and Subsistence	3,625.00		
Contractual Services	15,896.00		
Commodities	1,461.00		
Capital Outlay:			
Other Than Equipment	0.00		
Equipment	0.00		
Vehicles	0.00		
Wireless Communication Devices	0.00		
Subsidies, Loans and Grants * * *	64,831.00		
Total \$	202,090.00		
FUNDING:			
General Funds \$	202,090.00		
Special Funds	0.00		
Total\$	202,090.00		
AUTHORIZED POSITIONS:			
Permanent: Full Time 1			
Part Time 0			
Time-Limited: Full Time 1			
Part Time 0			

COUNTY JAIL OFFICER STANDARDS AND TRAINING BOARD

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries,	Wages and Fringe Benefits		
	\$ * *	*	55,496.00
Travel and	d Subsistence		600.00
Contractual Se	rvices	•	7,500.00
Commodities		*	160.00
Capital Outlay	:		
Other Tha	n Equipment		0.00
Equipment		•	0.00
Vehicles.		0 33 • 1	0.00
Wireless	Communication Devices	: % • 0	0.00
Subsidies, Loa	ns and Grants * *	*	289,090.00
Total	**********************	. \$	352,846.00
FUNDING:			
General Funds .		. \$	352,846.00
Special Funds .			0.00
Total		. \$	352,846.00
AUTHORIZED POSITI	ONS:		
Permanent:	Full Time	1	
	Part Time	0	
Time-Limited:	Full Time	0	
	Part Time	0	
	OFFICE OF HOMELAND SECURITY		
WE TOO OR THOMA			

MAJOR OBJECTS OF EXPENDITURE:

Personal Services:

Salaries,	Wages and Fringe Benefits	s\$	1,609,005.00
Travel and	d Subsistence		47,816.00
Contractual Se	rvices		750,785.00
Commodities		***	144,172.00
Capital Outlay	:		
Other Tha	n Equipment		0.00
Equipment			43,420.00
Vehicles.			80,000.00
Wireless	Communication Devices		196.00
Subsidies, Loa	ns and Grants		16,266,336.00
Total		\$	18,941,730.00
FUNDING:			
General Funds.		\$	86,962.00
Special Funds.			18,854,768.00
Total		\$	18,941,730.00
AUTHORIZED POSITI			
Permanent:	Full Time	9	
	Part Time	0	
Time-Limited:	Full Time	13	
	Part Time	0	
	BUREAU OF NARCOTICS		
MAJOR OBJECTS OF			
Personal Servi	.ces:		

Salaries, Wages and Fringe Benefits.. \$ 10,543,952.00

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Travel and	Subsistence		40,000.00
Contractual Ser	vices		1,229,882.00
Commodities			1,274,850.00
Capital Outlay:			
Other Than Equipment			0.00
Equipment			321,197.00
Vehicles			0.00
Wireless Communication Devices			0.00
Subsidies, Loans and Grants		740,000.00	
Total		\$	14,149,881.00
FUNDING:			
General Funds		\$	11,152,517.00
Special Funds			2,997,364.00
Total\$		14,149,881.00	
AUTHORIZED POSITIONS:			
Permanent:	Full Time	184	
	Part Time	0	
Time-Limited:	Full Time	8	
	Part Time	0	
JUVENILE FACILITY MONITORING UNIT			
MAJOR OBJECTS OF EXPENDITURE:			
Personal Services:			
Salaries, Wages and Fringe Benefits			
\$ * * * <u>176,51</u> 6			176,516.00
Travel and Subsistence			5,934.00

Contractual Services * * *	98,372.00		
Commodities	9,882.00		
Capital Outlay:			
Other Than Equipment	0.00		
Equipment	0.00		
Vehicles	0.00		
Wireless Communication Devices	0.00		
Subsidies, Loans and Grants	0.00		
Total\$	290,704.00		
FUNDING:			
General Funds \$	56,634.00		
Special Funds	234,070.00		
Total \$	290,704.00		
AUTHORIZED POSITIONS:			
Permanent: Full Time 0			
Part Time 0			
Time-Limited: Full Time 3			
Part Time 0			

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2020 do not exceed Fiscal Year 2019 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2019 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel

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Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2019 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2019 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 7. During fiscal year 2020, the State Fiscal Officer shall transfer \$215,222.06 from MIFI Operating Fund (3345400000) to MFC Operating Fund (3345500000).

SECTION 8. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE

March 28 201

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES

March 28, 2019

SPEAKER OF THE POUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

GOVERNOR

10:31 Am